

APR 22 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

GARY JEWEL KING,
Petitioner,

v.

GENE M. JOHNSON,
Respondent.

) Civil Action No. 7:09-cv-00501
)
)

) ORDER
)

) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion for summary judgment is **GRANTED**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and counsel of record for the respondent.

ENTER: This 22nd day of April, 2010.

[Signature]

Senior United States District Judge